

REMARKS

Favorable reconsideration is respectfully requested in view of the previous amendments and following remarks.

Claim 1 is rejected as being unpatentable over U.S. Application Publication No. 2002/0159915, hereinafter Zelina, in view of U.S. Patent No. 6,475,435, hereinafter Taggart.

In the last full paragraph on page 3 of the Official Action, the Examiner correctly notes that Zelina does not disclose means for maintaining a higher positive pressure in a sterilization zone than in a heating zone and a venting zone. The Examiner also correctly notes that Zelina does not disclose means for controlling a flow of sterilizing agent in a sterilization zone at such rate that the higher positive pressure is maintained in the sterilization zone. The Official Action goes on to state that Taggart discloses these features, and that it would have been obvious to employ these features in Zelina. Applicants respectfully disagree.

As illustrated in Fig. 3 and as discussed in lines 33-38 of column 8 and lines 54-55 of column 9 of Taggart, a sterilization apparatus 116 which supplies hydrogen peroxide to bottles is provided in zone 165, which has the highest level of hydrogen peroxide concentration. Clearly, if anything, zone 165 is Taggart's sterilization zone. As further discussed in lines 32-37 of column 10, sterile air exits through exhaust ports 154 in zone 164. Thus, if anything, zone 164 is Taggart's venting zone. Furthermore, as disclosed in lines 46-48 of Taggart, the venting zone 164 is at higher pressure than the sterilization zone 165. Accordingly, Taggart does not disclose means for maintaining a higher positive pressure in a sterilization zone than in a heating zone and a venting zone, or means for controlling a flow of gaseous

sterilizing agent in the sterilization zone such that the gaseous sterilizing agent is both introduced into and evacuated from the sterilization zone at such rate that the higher positive pressure is maintained in the sterilization zone, as recited in Claim 1.

Additionally, the Examiner refers to Taggart's venting zone 164 as a "heating zone". However, Claim 1 is amended to recite that the heating zone comprises means for heating the packages to a temperature above a dew point of the sterilizing agent used in the sterilization zone. Clearly, there is no such heating to a temperature above a dew point of the sterilizing agent used in a sterilization zone in Taggart's venting zone 164.

Accordingly, neither Zelina nor Taggart, alone or in combination, discloses, teaches or suggests a device for sterilization in production of packages, including means for maintaining a higher positive pressure in a sterilization zone than in a heating zone and a venting zone, and means for controlling a flow of gaseous sterilizing agent in the sterilization zone such that the gaseous sterilizing agent is both introduced into and evacuated from the sterilization zone at such rate that the higher positive pressure is maintained in the sterilization zone; wherein the heating zone comprises means for heating the packages to a temperature above a dew point of the sterilizing agent used in the sterilization zone, in combination with the other features recited in amended Claim 1.

Claim 1 is therefore allowable over Zelina in view of Taggart, and withdrawal of the rejection of Claim 1 is respectfully requested.

Claim 1 is also rejected under double patenting grounds as being unpatentable over claims in U.S. Application No. 10/531,297 (now U.S. Patent No. 7,491,371). However, patent Claim 1 recites several features not found in pending

Claim 1, for example, an ambient temperature sensor located outside of the device for sensing the ambient temperature outside the device where the sterilizing agent does not flow, a relative humidity sensor for measuring the relative humidity outside the device where the sterilizing agent does not flow, and a concentration meter for measuring the concentration of sterilizing agent in the sterilization zone. Also, pending Claim 1 recites several features not found in patent Claim 1, for example, that the heating zone comprises means for heating the packages to a temperature above a dew point of the sterilizing agent used in the sterilization zone. In view of the above, pending Claim 1 and patent Claim 1 are clearly patentably distinct from each other. Withdrawal of the double patenting rejection is therefore respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful

in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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